

By the Committee on Natural Resources and Senators Bronson and Jones

312-1689C-00

1                                   A bill to be entitled  
2           An act relating to marine resources; amending  
3           s. 370.021, F.S.; providing penalties for  
4           illegal buying and selling of marine products;  
5           revising violations and penalties; amending s.  
6           370.06, F.S.; eliminating a credit toward a  
7           holder's saltwater products license if the  
8           holder has an Apalachicola Bay oyster  
9           harvesting license; requiring the denial of  
10          license renewal or issuance to those having  
11          unpaid fees, assessments, or fines; amending s.  
12          370.13, F.S.; providing for fees and equitable  
13          rent related to stone crabs; prohibiting the  
14          acquisition of vested rights; providing  
15          penalties; amending s. 370.135, F.S.; providing  
16          penalties for theft from a blue crab trap;  
17          amending s. 370.14, F.S.; conforming a  
18          statutory cross-reference; amending s. 370.142,  
19          F.S.; requiring the Board of Trustees of the  
20          Internal Improvement Trust Fund to approve a  
21          rule establishing equitable rent in the  
22          crawfish fishing if the rule is developed;  
23          waiving certificate transfer fees and  
24          surcharges when the transfer is within the  
25          immediate family due to death or disability;  
26          providing a penalty for theft from a crawfish  
27          trap; providing penalties; conforming  
28          cross-references; amending s. 370.143, F.S.;  
29          waiving a trap retrieval fee for specified  
30          licenseholders; requiring the payment of fees  
31          before license and endorsement renewal; waiving

1 trap retrieval fees if the Governor declares a  
2 disaster emergency area; amending s. 370.15,  
3 F.S.; eliminating a requirement for  
4 noncommercial net registration; amending s.  
5 370.153, F.S.; providing that noncommercial  
6 trawling must be authorized by the Fish and  
7 Wildlife Conservation Commission; amending s.  
8 370.25, F.S.; providing that the artificial  
9 reef program is created within the Fish and  
10 Wildlife Conservation Commission; eliminating  
11 criteria for allocation of funds; revising  
12 requirements for artificial reef material and  
13 for emplacement of artificial reef material;  
14 limiting funding to specified corporations;  
15 providing requirements for the storage,  
16 possession, and transport of artificial reef  
17 materials; revising permit requirements;  
18 providing a felony penalty; eliminating a  
19 provision holding a non-operating registered  
20 vessel owner responsible for violations;  
21 providing appropriations; providing an  
22 effective date.

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24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Paragraphs (b) and (i) of subsection (2)  
27 and subsection (5) of section 370.021, Florida Statutes, are  
28 amended, and paragraph (o) is added to subsection (2) of that  
29 section to read:

30 370.021 Administration; rules, publications, records;  
31 penalties; injunctions.--

1           (2) MAJOR VIOLATIONS.--In addition to the penalties  
2 provided in paragraphs (1)(a) and (b), the court shall assess  
3 additional penalties against any person, firm, or corporation  
4 convicted of major violations as follows:

5           (b) For a violation involving the taking or harvesting  
6 of shrimp from a nursery or other prohibited area, or any two  
7 violations within a 12-month period involving shrimping gear,  
8 minimum size (count), or season,an additional penalty of \$10  
9 for each pound of illegal shrimp or part thereof.

10           (i) Permits issued to any person, firm, or corporation  
11 by the commission to take or harvest saltwater products, or  
12 any license issued pursuant to s. 370.06 or s. 370.07 may be  
13 suspended or revoked by the commission, pursuant to the  
14 provisions and procedures of s. 120.60, for any major  
15 violation prescribed in this subsection:

16           1. Upon a first conviction for a major violation, for  
17 up to 30 calendar days.

18           ~~2.1.~~ Upon a second conviction for a violation which  
19 occurs within 12 months after a prior violation, for up to 90  
20 calendar ~~60~~ days.

21           ~~3.2.~~ Upon a third conviction for a violation which  
22 occurs within 24 months after a prior violation, for up to 180  
23 calendar days.

24           ~~4.3.~~ Upon a fourth conviction for a violation which  
25 occurs within 36 months after a prior violation, for a period  
26 of 6 months to 3 years.

27           (o) For a violation involving the taking or harvesting  
28 of any marine life species, as those species are defined by  
29 rule of the commission, the harvest of which is prohibited, or  
30 the taking or harvesting of such a species out of season, or  
31 with an illegal gear or chemical, or any violation involving

1 the possession of 25 or more individual specimens of marine  
2 life species, or any combination of violations in any 3-year  
3 period involving more than 70 such specimens in the aggregate,  
4 the suspension or revocation of the license holder's marine  
5 life endorsement as provided in paragraph (i).

6 (5) BUYING SALTWATER PRODUCTS FROM UNLICENSED  
7 SELLER.--In addition to being subject to other penalties  
8 provided in this chapter, any violation of s. 370.06 or s.  
9 370.07, or rules of the commission implementing s. 370.06 or  
10 s. 370.07, involving the purchase of ~~buying~~ saltwater products  
11 by a commercial wholesale dealer, retail dealer, or restaurant  
12 facility for public consumption from an unlicensed person,  
13 firm, or corporation, or the sale of saltwater products by an  
14 unlicensed person, firm, or corporation to a commercial  
15 wholesale dealer, retail dealer, or restaurant facility for  
16 public consumption, shall be a major violation, and the  
17 commission may assess the following penalties:

18 (a) For a first violation, the commission may assess a  
19 civil penalty of up to \$2,500 and may suspend the wholesale or  
20 retail dealer's license privileges for up to 90 calendar days.

21 (b) For a second violation occurring within 12 months  
22 of a prior violation, the commission may assess a civil  
23 penalty of up to \$5,000 and may suspend the wholesale or  
24 retail dealer's license privileges for up to 180 calendar  
25 days.

26 (c) For a third or subsequent violation occurring  
27 within a 24-month period, the commission shall assess a civil  
28 penalty of \$5,000 and shall suspend the wholesale or retail  
29 dealer's license privileges for up to 24 months.

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1 Any proceeds from the civil penalties assessed pursuant to  
2 this subsection shall be deposited into the Marine Resources  
3 Conservation Trust Fund and shall be used as follows: 40  
4 percent for administration and processing purposes and 60  
5 percent for law enforcement purposes.

6 Section 2. Subsection (5) of section 370.06, Florida  
7 Statutes, is amended, and subsection (9) is added to that  
8 section, to read:

9 370.06 Licenses.--

10 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.--

11 (a) For purposes of this section, the following  
12 definitions shall apply:

13 1. "Person" means an individual.

14 2. "Resident" means any person who has:

15 a. Continuously resided in this state for 6 months  
16 immediately preceding the making of his or her application for  
17 an Apalachicola Bay oyster harvesting license; or

18 b. Established a domicile in this state and evidenced  
19 that domicile as provided in s. 222.17.

20 (b) No person shall harvest oysters from the  
21 Apalachicola Bay without a valid Apalachicola Bay oyster  
22 harvesting license issued by the Department of Agriculture and  
23 Consumer Services. This requirement shall not apply to anyone  
24 harvesting noncommercial quantities of oysters in accordance  
25 with chapter 46-27, Florida Administrative Code, or to any  
26 person less than 18 years old.

27 (c) Any person wishing to obtain an Apalachicola Bay  
28 oyster harvesting license shall submit an annual fee for the  
29 license during a 45-day period from May 17 to June 30 of each  
30 year preceding the license year for which the license is  
31 valid. Failure to pay the annual fee within the required time

1 period shall result in a \$500 late fee being imposed before  
2 issuance of the license.

3 (d) The Department of Agriculture and Consumer  
4 Services shall collect an annual fee of \$100 from residents  
5 and \$500 from nonresidents for the issuance of an Apalachicola  
6 Bay oyster harvesting license. The license year shall begin on  
7 July 1 of each year and end on June 30 of the following year.  
8 The license shall be valid only for the licensee. Only bona  
9 fide residents of Florida may obtain a resident license  
10 pursuant to this subsection.

11 (e) Each person who applies for an Apalachicola Bay  
12 oyster harvesting license shall, before receiving the license,  
13 attend an educational seminar of not more than 16 hours  
14 length, developed and conducted jointly by the Apalachicola  
15 National Estuarine Research Reserve, the Division of Law  
16 Enforcement of the Fish and Wildlife Conservation Commission,  
17 and the Department of Agriculture and Consumer Services'  
18 Apalachicola District Shellfish Environmental Assessment  
19 Laboratory. The seminar shall address, among other things,  
20 oyster biology, conservation of the Apalachicola Bay, sanitary  
21 care of oysters, small business management, and water safety.  
22 The seminar shall be offered five times per year, and each  
23 person attending shall receive a certificate of participation  
24 to present when obtaining an Apalachicola Bay oyster  
25 harvesting license.

26 (f) Each person, while harvesting oysters in  
27 Apalachicola Bay, shall have in possession a valid  
28 Apalachicola Bay oyster harvesting license, or proof of having  
29 applied for a license within the required time period, and  
30 shall produce such license or proof of application upon  
31 request of any law enforcement officer.

1           (g) Each person who obtains an Apalachicola Bay oyster  
2 harvesting license shall prominently display the license  
3 number upon any vessel the person owns which is used for the  
4 taking of oysters, in numbers which are at least 10 inches  
5 high and 1 inch wide, so that the permit number is readily  
6 identifiable from the air and water. Only one vessel  
7 displaying a given number may be used at any time. A licensee  
8 may harvest oysters from the vessel of another licensee.

9           ~~(h) Any person holding an Apalachicola Bay oyster~~  
10 ~~harvesting license shall receive credit for the license fee~~  
11 ~~against the saltwater products license fee.~~

12           (h)(i) The proceeds from Apalachicola Bay oyster  
13 harvesting license fees shall be deposited in the General  
14 Inspection Trust Fund and, less reasonable administrative  
15 costs, shall be used or distributed by the Department of  
16 Agriculture and Consumer Services for the following purposes  
17 in Apalachicola Bay:

- 18           1. Relaying and transplanting live oysters.
- 19           2. Shell planting to construct or rehabilitate oyster  
20 bars.
- 21           3. Education programs for licensed oyster harvesters  
22 on oyster biology, aquaculture, boating and water safety,  
23 sanitation, resource conservation, small business management,  
24 marketing, and other relevant subjects.
- 25           4. Research directed toward the enhancement of oyster  
26 production in the bay and the water management needs of the  
27 bay.

28           (i)(j) Any person who violates any of the provisions  
29 of paragraphs (b) and (d)-(g) commits a misdemeanor of the  
30 second degree, punishable as provided in ss. 775.082 and  
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1 775.083. Nothing in this subsection shall limit the  
2 application of existing penalties.

3 (j)~~(k)~~ Any oyster harvesting license issued pursuant  
4 to this subsection must be in compliance with the rules of the  
5 Fish and Wildlife Conservation Commission regulating gear or  
6 equipment, harvest seasons, size and bag limits, and the  
7 taking of saltwater species.

8 (9) DENIAL OF LICENSE RENEWAL OR ISSUANCE.--The  
9 commission shall deny the renewal or issuance of any saltwater  
10 products license, wholesale dealer license, or retail dealer  
11 license to anyone that has unpaid fees, civil assessments, or  
12 finances owed to the commission.

13 Section 3. Section 370.13, Florida Statutes, is  
14 amended to read:

15 (Substantial rewording of section. See  
16 s. 370.13, F.S., for present text.)

17 370.13 Stone crab; regulation.--

18 (1) FEES AND EQUITABLE RENT.--

19 (a) Endorsement fee.--The fee for a stone crab  
20 endorsement for the taking of stone crabs as required by rule  
21 of the Fish and Wildlife Conservation Commission, is \$125, \$25  
22 of which must be used solely for trap retrieval under s.  
23 370.143.

24 (b) Certificate fees.--

25 1. For each trap certificate issued by the commission  
26 under the requirements of the stone crab trap limitation  
27 program established by commission rule, there is an annual fee  
28 of \$.50 per certificate. Replacement tags for lost or damaged  
29 tags cost \$.50 each, except that tags lost because of a major  
30 storm emergency as declared by the Governor, shall be replaced  
31 for the cost of the tag as incurred by the commission.



1           2. Except for transfers to eligible crew members as  
2 determined according to criteria established by rule of the  
3 commission, the fee for transferring certificates is \$2 per  
4 certificate transferred to be paid by the purchaser of the  
5 certificate or certificates. The transfer fee for eligible  
6 crew members is \$1 per certificate. Payment must be made by  
7 money order or cashier's check, submitted with the certificate  
8 transfer form developed by the commission. In addition to the  
9 transfer fee, a surcharge of \$2 per certificate transferred,  
10 or 25 percent of the actual value of the transferred  
11 certificate, whichever is greater, will be assessed the first  
12 time a certificate is transferred outside the original  
13 holder's immediate family. Transfer fees and surcharges only  
14 apply to the actual number of certificates received by the  
15 purchaser. A transfer of a certificate is not effective until  
16 the commission receives a notarized copy of the bill of sale  
17 as proof of the actual value of the transferred certificate or  
18 certificates, which must also be submitted with the transfer  
19 form and payment. A transfer fee will not be assessed or  
20 required when the transfer is within a family as a result of  
21 the death or disability of the certificate owner. A surcharge  
22 will not be assessed for any transfer within an individual's  
23 immediate family.

24           (c) Incidental take endorsement.--The cost of an  
25 incidental take endorsement, as established by commission  
26 rule, is \$25.

27           (d) Equitable rent.--The commission may establish by  
28 rule an amount of equitable rent per trap certificate that may  
29 be recovered as partial compensation to the state for the  
30 enhanced access to its natural resources. In determining  
31 whether to establish such a rent and the amount thereof, the

1 commission may consider the amount of revenues annually  
2 generated by endorsement fees, trap certificate fees, transfer  
3 fees, surcharges, replacement trap tag fees, trap retrieval  
4 fees, incidental take endorsement fees, and the continued  
5 economic viability of the commercial stone crab industry.  
6 Final approval of such a rule shall be by the Governor and  
7 Cabinet sitting as the Board of Trustees of the Internal  
8 Improvement Trust Fund.

9 (e) Disposition of fees, surcharges, civil penalties  
10 and fines, and equitable rent.--Endorsement fees, trap  
11 certificate fees, transfer fees, civil penalties and fines,  
12 surcharges, replacement trap tag fees, trap retrieval fees,  
13 incidental take endorsement fees, and equitable rent must be  
14 deposited in the Marine Resources Conservation Trust  
15 Fund. Not more than 50 percent of the revenues generated  
16 under this section may be used for operation and  
17 administration of the stone crab trap limitation program. The  
18 remaining revenues generated under this program are to be used  
19 for trap retrieval, management of the stone crab fishery,  
20 public education activities, evaluation of the impact of trap  
21 reductions on the stone crab fishery, and enforcement  
22 activities in support of the stone crab trap limitation  
23 program.

24 (f) Program to be self-supporting.--The stone crab  
25 trap limitation program is intended to be a self-supporting  
26 program funded from proceeds generated under this section.

27 (g) No vested rights.--The stone crab trap limitation  
28 program does not create any vested rights for endorsement or  
29 certificateholders and may be altered or terminated by the  
30 commission as necessary to protect the stone crab resource,  
31 the participants in the fishery, or the public interest.

1           (2) PENALTIES.--For purposes of this subsection,  
2 conviction is any disposition other than acquittal or  
3 dismissal, regardless of whether the violation was adjudicated  
4 under any state or federal law.

5           (a) In addition to any other penalties provided in s.  
6 370.021, for any person, firm or corporation convicted of  
7 violating Rule 68B-13.010(2), F.A.C., or Rule 68B-13.011(5),  
8 (6), (7), or (8), F.A.C., the following administrative  
9 penalties apply.

10           1. For a first violation, the commission shall assess  
11 an administrative penalty of up to \$1,000 and the stone crab  
12 endorsement under which the violation was committed may be  
13 suspended for the remainder of the current license year.

14           2. For a second violation that occurs within 24 months  
15 of any previous such violation, the commission shall assess an  
16 administrative penalty of up to \$2,000 and the stone crab  
17 endorsement under which the violation was committed may be  
18 suspended for 12 calendar months.

19           3. For a third violation that occurs within 36 months  
20 of any previous two such violations, the commission shall  
21 assess an administrative penalty of up to \$5,000 and the stone  
22 crab endorsement under which the violation was committed may  
23 be suspended for 24 calendar months.

24           4. A fourth violation that occurs within 48 months of  
25 any three previous such violations, shall result in permanent  
26 revocation of all of the violator's saltwater fishing  
27 privileges, including having the commission proceed against  
28 the endorsement holder's saltwater products license in  
29 accordance with s. 370.021.

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1 Any person assessed an administrative penalty under this  
2 paragraph shall, within 30 calendar days after notification,  
3 pay the administrative penalty to the commission, or request  
4 an administrative hearing under s. 120.569 and s. 120.57. The  
5 proceeds of all administrative penalties collected under this  
6 paragraph shall be deposited in the Marine Resource  
7 Conservation Trust Fund.

8 (b) It is unlawful for any person to remove the  
9 contents of another harvester's trap without the express  
10 written consent of the trap owner available for immediate  
11 inspection. Such unauthorized removal constitutes theft. Any  
12 person convicted of theft from a trap shall, in addition to  
13 the penalties specified in s. 370.021 and the provisions of  
14 this section, permanently lose his or her saltwater products  
15 license, stone crab or incidental take endorsement, and all  
16 trap certificates allotted to him or her by the commission. In  
17 such cases, trap certificates and endorsements are  
18 nontransferable. In addition, any person convicted of  
19 violating the prohibitions referenced in this paragraph shall  
20 also be assessed an administrative penalty of up to \$5,000.  
21 Immediately before and during the period of suspension or  
22 revocation of the endorsement, that person is prohibited from  
23 transferring any stone crab certificates.

24 (c) Any person convicted of violating commission rules  
25 that prohibit any of the following, commits a felony of the  
26 third degree, punishable as provided in s. 775.082, s.  
27 775.083, or s. 775.084.

28 1. The willful molestation of any stone crab trap,  
29 line, or buoy that is the property of any licenseholder,  
30 without the permission of that licenseholder.

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1           2. The bartering, trading, or sale, or conspiring or  
2 aiding in such barter, trade, or sale, or supplying, agreeing  
3 to supply, aiding in supplying, or giving away stone crab trap  
4 tags or certificates unless the action is duly authorized by  
5 the commission as provided by commission rules.

6           3. The making, altering, forging, counterfeiting, or  
7 reproducing of stone crab trap tags.

8           4. Possession of forged, counterfeit, or imitation  
9 stone crab trap tags.

10           5. Engaging in the commercial harvest of stone crabs  
11 during the time either of the endorsements is under suspension  
12 or revocation.

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14 In addition, any person convicted of violating subparagraph 1.  
15 shall also be assessed an administrative penalty of up to  
16 \$5,000, and the incidental take endorsement or the stone crab  
17 endorsement under which the violation was committed may be  
18 suspended for up to 24 calendar months. Immediately before and  
19 during the period of suspension of the endorsement, that  
20 person is prohibited from transferring any stone crab  
21 certificates.

22           (d) For any person convicted of fraudulently reporting  
23 the actual value of transferred stone crab certificates, the  
24 commission may automatically suspend or permanently revoke the  
25 seller's or the purchaser's stone crab endorsements. If the  
26 endorsement is permanently revoked, the commission shall also  
27 permanently deactivate the endorsement holder's stone crab  
28 certificate accounts. Whether an endorsement is suspended or  
29 revoked, the commission may also levy a fine against the  
30 holder of the endorsement of up to twice the appropriate

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1 surcharge to be paid based on the fair market value of the  
2 transferred certificates.

3 (e) During any period of suspension or revocation of  
4 an endorsement holder's endorsement, he or she shall remove  
5 all traps subject to that endorsement from the water within 15  
6 days after notice provided by the commission. Failure to do so  
7 will extend the period of suspension or revocation for an  
8 additional 6 calendar months.

9 (f) An endorsement will not be renewed until all fees  
10 and administrative penalties imposed under this section are  
11 paid.

12 Section 4. Subsection (1) of section 370.135, Florida  
13 Statutes, is amended to read:

14 370.135 Blue crab; regulation.--

15 (1) No person, firm, or corporation shall transport on  
16 the water, fish with or cause to be fished with, set, or place  
17 any trap designed for taking blue crabs unless such person,  
18 firm, or corporation is the holder of a valid saltwater  
19 products license issued pursuant to s. 370.06 and the trap has  
20 a current state number permanently attached to the buoy. The  
21 trap number shall be affixed in legible figures at least 1  
22 inch high on each buoy used. The saltwater products license  
23 must be on board the boat, and both the license and the crabs  
24 shall be subject to inspection at all times. Only one trap  
25 number may be issued for each boat by the commission upon  
26 receipt of an application on forms prescribed by it. This  
27 subsection shall not apply to an individual fishing with no  
28 more than five traps. It is a felony of the third degree,  
29 punishable as provided in s. 775.082, s. 775.083, or s.  
30 775.084, for any person willfully to molest any traps, lines,  
31 or buoys, as defined herein, belonging to another without

1 permission of the licenseholder. It is unlawful for any person  
2 to remove the contents of another harvester's trap without the  
3 express written consent of the trap owner available for  
4 immediate inspection. Such unauthorized removal constitutes  
5 theft. Any person convicted of theft from a trap shall, in  
6 addition to the penalties specified in s. 370.021 and the  
7 provisions of this section, permanently lose his or her  
8 saltwater products license and blue crab endorsement. In those  
9 cases endorsements are nontransferable.

10 Section 5. Subsection (2) of section 370.14, Florida  
11 Statutes, is amended to read:

12 370.14 Crawfish; regulation.--

13 (2)(a) Each trap used for taking or attempting to take  
14 crawfish must have a trap number permanently attached to the  
15 trap and the buoy. This trap number may be issued by the Fish  
16 and Wildlife Conservation Commission upon the receipt of  
17 application by the owner of the traps and accompanied by the  
18 payment of a fee of \$100. The design of the applications and  
19 of the trap number shall be determined by the commission. Any  
20 trap or device used in taking or attempting to take crawfish,  
21 other than a trap with the trap number attached as prescribed  
22 in this paragraph, shall be seized and destroyed by the  
23 commission. The proceeds of the fees imposed by this paragraph  
24 shall be deposited and used as provided in paragraph (b). The  
25 commission may adopt ~~is authorized to promulgate~~ rules and  
26 ~~regulations~~ to carry out the intent of this section.

27 (b) Fees collected pursuant to paragraph (a) shall be  
28 deposited as follows:

29 1. Fifty percent of the fees collected shall be  
30 deposited in the Marine Resources Conservation Trust Fund for  
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1 use in enforcing the provisions of paragraph (a) through  
2 aerial and other surveillance and trap retrieval.

3 2. Fifty percent of the fees collected shall be  
4 deposited as provided in s. 370.142(6)~~s. 370.142(5)~~.

5 Section 6. Subsection (2) of section 370.142, Florida  
6 Statutes, is amended, to read:

7 370.142 Spiny lobster trap certificate program.--

8 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;  
9 PENALTIES.--The Fish and Wildlife Conservation Commission  
10 shall establish a trap certificate program for the spiny  
11 lobster fishery of this state and shall be responsible for its  
12 administration and enforcement as follows:

13 (a) Transferable trap certificates.--Each holder of a  
14 saltwater products license who uses traps for taking or  
15 attempting to take spiny lobsters shall be required to have a  
16 certificate on record for each trap possessed or used  
17 therefor, except as otherwise provided in this section.

18 1. The Department of Environmental Protection shall  
19 initially allot such certificates to each licenseholder with a  
20 current crawfish trap number who uses traps. The number of  
21 such certificates allotted to each such licenseholder shall be  
22 based on the trap/catch coefficient established pursuant to  
23 trip ticket records generated under the provisions of s.  
24 370.06(2)(a) over a 3-year base period ending June 30, 1991.  
25 The trap/catch coefficient shall be calculated by dividing the  
26 sum of the highest reported single license-year landings up to  
27 a maximum of 30,000 pounds for each such licenseholder during  
28 the base period by 700,000. Each such licenseholder shall then  
29 be allotted the number of certificates derived by dividing his  
30 or her highest reported single license-year landings up to a  
31 maximum of 30,000 pounds during the base period by the



1 trap/catch coefficient. Nevertheless, no licenseholder with a  
2 current crawfish trap number shall be allotted fewer than 10  
3 certificates. However, certificates may only be issued to  
4 individuals; therefore, all licenseholders other than  
5 individual licenseholders shall designate the individual or  
6 individuals to whom their certificates will be allotted and  
7 the number thereof to each, if more than one. After initial  
8 issuance, trap certificates are transferable on a market basis  
9 and may be transferred from one licenseholder to another for a  
10 fair market value agreed upon between the transferor and  
11 transferee. Each such transfer shall, within 72 hours thereof,  
12 be recorded on a notarized form provided for that purpose by  
13 the Fish and Wildlife Conservation Commission and hand  
14 delivered or sent by certified mail, return receipt requested,  
15 to the commission for recordkeeping purposes. In addition, in  
16 order to cover the added administrative costs of the program  
17 and to recover an equitable natural resource rent for the  
18 people of the state, a transfer fee of \$2 per certificate  
19 transferred shall be assessed against the purchasing  
20 licenseholder and sent by money order or cashier's check with  
21 the certificate transfer form. Also, in addition to the  
22 transfer fee, a surcharge of \$5 per certificate transferred or  
23 25 percent of the actual market value, whichever is greater,  
24 given to the transferor shall be assessed the first time a  
25 certificate is transferred outside the original transferor's  
26 immediate family. No transfer of a certificate shall be  
27 effective until the commission receives the notarized transfer  
28 form and the transfer fee, including any surcharge, is paid.  
29 The commission may establish by rule an amount of equitable  
30 rent per trap certificate that shall be recovered as partial  
31 compensation to the state for the enhanced access to its

1 natural resources. Final approval of such a rule shall be by  
2 the Governor and Cabinet sitting as the Board of Trustees of  
3 the Internal Improvement Fund.In determining whether to  
4 establish such a rent and, if so, the amount thereof, the  
5 commission shall consider the amount of revenues annually  
6 generated by certificate fees, transfer fees, surcharges, trap  
7 license fees, and sales taxes, the demonstrated fair market  
8 value of transferred certificates, and the continued economic  
9 viability of the commercial lobster industry. The proceeds of  
10 equitable rent recovered shall be deposited in the Marine  
11 Resources Conservation Trust Fund and used by the commission  
12 for research, management, and protection of the spiny lobster  
13 fishery and habitat. A transfer fee may not be assessed or  
14 required when the transfer is within a family as a result of  
15 the death or disability of the certificate owner. A surcharge  
16 will not be assessed for any transfer within an individual's  
17 immediate family.

18           2. No person, firm, corporation, or other business  
19 entity may control, directly or indirectly, more than 1.5  
20 percent of the total available certificates in any license  
21 year.

22           3. The commission shall maintain records of all  
23 certificates and their transfers and shall annually provide  
24 each licenseholder with a statement of certificates held.

25           4. The number of trap tags issued annually to each  
26 licenseholder shall not exceed the number of certificates held  
27 by the licenseholder at the time of issuance, and such tags  
28 and a statement of certificates held shall be issued  
29 simultaneously.

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1           5. Beginning July 1, 2003, and applicable to the  
2 2003-2004 lobster season and thereafter, it is unlawful for  
3 any person to lease lobster trap tags or certificates.

4           (b) Trap tags.--Each trap used to take or attempt to  
5 take spiny lobsters in state waters or adjacent federal waters  
6 shall, in addition to the crawfish trap number required by s.  
7 370.14(2), have affixed thereto an annual trap tag issued by  
8 the commission. Each such tag shall be made of durable plastic  
9 or similar material and shall, based on the number of  
10 certificates held, have stamped thereon the owner's license  
11 number. To facilitate enforcement and recordkeeping, such tags  
12 shall be issued each year in a color different from that of  
13 each of the previous 3 years. The annual certificate fee shall  
14 be \$1 per certificate. Replacement tags for lost or damaged  
15 tags may be obtained as provided by rule of the commission.

16           (c) Prohibitions; penalties.--

17           1. It is unlawful for a person to possess or use a  
18 spiny lobster trap in or on state waters or adjacent federal  
19 waters without having affixed thereto the trap tag required by  
20 this section. It is unlawful for a person to possess or use  
21 any other gear or device designed to attract and enclose or  
22 otherwise aid in the taking of spiny lobster by trapping that  
23 is not a trap as defined in rule 46-24.006(2), Florida  
24 Administrative Code.

25           2. It is unlawful for a person to possess or use spiny  
26 lobster trap tags without having the necessary number of  
27 certificates on record as required by this section.

28           3. It is unlawful for any person to remove the  
29 contents of another harvester's trap without the express  
30 written consent of the trap owner available for immediate  
31 inspection. Such unauthorized removal constitutes theft. Any

1 person convicted of theft from a trap shall, in addition to  
2 the penalties specified in ss. 370.021 and 370.14 and the  
3 provisions of this section, permanently lose his or her  
4 saltwater products license, crawfish endorsement, and all trap  
5 certificates allotted to him or her through this program. In  
6 such cases, trap certificates and endorsements are  
7 nontransferable.

8 ~~4.3.~~ In addition to any other penalties provided in s.  
9 370.021, a commercial harvester, as defined by rule  
10 46-24.002(1), Florida Administrative Code, who violates the  
11 provisions of this section, or the provisions relating to  
12 traps of chapter 46-24, Florida Administrative Code, shall be  
13 punished as follows:

14 a. If the first violation is for violation of  
15 subparagraph 1. ~~or~~ subparagraph 2., or subparagraph 3., the  
16 commission shall assess an additional civil penalty of up to  
17 \$1,000 and the crawfish trap number issued pursuant to s.  
18 370.14(2) or (6) may be suspended for the remainder of the  
19 current license year. For all other first violations, the  
20 commission shall assess an additional civil penalty of up to  
21 \$500.

22 b. For a second violation of subparagraph 1. ~~or~~  
23 subparagraph 2., or subparagraph 3. which occurs within 24  
24 months of any previous such violation, the commission shall  
25 assess an additional civil penalty of up to \$2,000 and the  
26 crawfish trap number issued pursuant to s. 370.14(2) or (6)  
27 may be suspended for the remainder of the current license  
28 year.

29 c. For a third or subsequent violation of subparagraph  
30 1. ~~or~~ subparagraph 2., or subparagraph 3. which occurs within  
31 36 months of any previous two such violations, the commission

1 shall assess an additional civil penalty of up to \$5,000 and  
2 may suspend the crawfish trap number issued pursuant to s.  
3 370.14(2) or (6) for a period of up to 24 months or may revoke  
4 the crawfish trap number and, if revoking the crawfish trap  
5 number, may also proceed against the licenseholder's saltwater  
6 products license in accordance with the provisions of s.  
7 370.021(2)(i).

8 d. Any person assessed an additional civil penalty  
9 pursuant to this section shall within 30 calendar days after  
10 notification:

11 (I) Pay the civil penalty to the commission; or

12 (II) Request an administrative hearing pursuant to the  
13 provisions of s. 120.60.

14 e. The commission shall suspend the crawfish trap  
15 number issued pursuant to s. 370.14(2) or (6) for any person  
16 failing to comply with the provisions of sub-subparagraph d.

17 5.4-a. It is unlawful for any person to make, alter,  
18 forge, counterfeit, or reproduce a spiny lobster trap tag or  
19 certificate.

20 b. It is unlawful for any person to knowingly have in  
21 his or her possession a forged, counterfeit, or imitation  
22 spiny lobster trap tag or certificate.

23 c. It is unlawful for any person to barter, trade,  
24 sell, supply, agree to supply, aid in supplying, or give away  
25 a spiny lobster trap tag or certificate or to conspire to  
26 barter, trade, sell, supply, aid in supplying, or give away a  
27 spiny lobster trap tag or certificate unless such action is  
28 duly authorized by the commission as provided in this chapter  
29 or in the rules of the commission.

30 6.5-a. Any person who violates the provisions of  
31 subparagraph 5.~~subparagraph 4~~, or any person who engages in

1 the commercial harvest, trapping, or possession of spiny  
2 lobster without a crawfish trap number as required by s.  
3 370.14(2) or (6) or during any period while such crawfish trap  
4 number is under suspension or revocation, commits a felony of  
5 the third degree, punishable as provided in s. 775.082, s.  
6 775.083, or s. 775.084.

7 b. In addition to any penalty imposed pursuant to  
8 sub-subparagraph a., the commission shall levy a fine of up to  
9 twice the amount of the appropriate surcharge to be paid on  
10 the fair market value of the transferred certificates, as  
11 provided in subparagraph (a)1., on any person who violates the  
12 provisions of sub-subparagraph 5.c ~~4.e~~.

13 ~~7.6.~~ Any certificates for which the annual certificate  
14 fee is not paid for a period of 3 years shall be considered  
15 abandoned and shall revert to the commission. During any  
16 period of trap reduction, any certificates reverting to the  
17 commission shall become permanently unavailable and be  
18 considered in that amount to be reduced during the next  
19 license-year period. Otherwise, any certificates that revert  
20 to the commission are to be reallocated in such manner as  
21 provided by the commission.

22 ~~8.7.~~ The proceeds of all civil penalties collected  
23 pursuant to subparagraph 4.~~subparagraph 3.~~ and all fines  
24 collected pursuant to sub-subparagraph 6.b.~~sub-subparagraph~~  
25 ~~5.b.~~ shall be deposited into the Marine Resources Conservation  
26 Trust Fund.

27 ~~9.8.~~ All traps shall be removed from the water during  
28 any period of suspension or revocation.

29 (d) No vested rights.--The trap certificate program  
30 shall not create vested rights in licenseholders whatsoever  
31 and may be altered or terminated as necessary to protect the

1 spiny lobster resource, the participants in the fishery, or  
2 the public interest.

3 Section 7. Subsections (2), (3), and (4) of section  
4 370.143, Florida Statutes, are amended to read:

5 370.143 Retrieval of lobster and stone crab traps  
6 during closed season; commission authority; fees.--

7 (2) A retrieval fee of \$10 per trap retrieved shall be  
8 assessed trap owners. However, for persons holding a stone  
9 crab endorsement issued under rule of the Fish and Wildlife  
10 Conservation Commission, the retrieval fee shall be waived for  
11 the first five traps retrieved. Traps recovered under this  
12 program shall become the property of the commission or its  
13 contract agent and shall be either destroyed or resold to the  
14 original owner. Revenue from retrieval fees shall be  
15 deposited in the Marine Resources Conservation Trust Fund and  
16 used for operation of the trap retrieval program.

17 (3) Payment of all ~~the~~ assessed retrieval fees ~~fee~~  
18 shall be required prior to renewal of the trap owner's  
19 saltwater products license and stone crab and or crawfish  
20 endorsements ~~trap number as a condition of number renewal.~~  
21 Retrieval fees assessed under this program shall stand in lieu  
22 of other penalties imposed for such trap violations.

23 (4) In the event of a major natural disaster declared  
24 as an emergency disaster by the Governor, such as a hurricane  
25 or major storm causing massive trap losses, the commission  
26 shall waive the trap retrieval fee within the declared  
27 emergency disaster area.

28 Section 8. Subsection (4) of section 370.15, Florida  
29 Statutes, is amended to read:

30 370.15 Shrimp; regulation.--

31

1           (4) SHRIMP TRAWLING.--All persons, firms, and  
2 corporations desiring to trawl for shrimp within areas in  
3 which trawling is permitted shall ~~have a noncommercial trawl~~  
4 ~~or net registration or~~ purchase a saltwater products license  
5 issued to a valid boat registration or in the name of an  
6 individual pursuant to s. 370.06. The saltwater products  
7 license shall remain on board at all times and is subject to  
8 immediate revocation upon conviction for violation of this  
9 section or when it becomes apparent that the best interests of  
10 saltwater conservation will be served by such action. A  
11 ~~noncommercial trawl or net registration must be issued to each~~  
12 ~~net used to take shrimp for noncommercial purposes. Such net~~  
13 ~~or trawl shall have a corkline measurement of 16 feet or less.~~  
14 ~~Possession of shrimp under a noncommercial registration is~~  
15 ~~limited to 25 pounds while on the water.~~ Due to the varied  
16 habitats and types of bottoms and hydrographic conditions  
17 embraced by the open fishing area, the commission shall have  
18 the authority to specify and regulate the types of gear that  
19 may be used in the different sections of the open areas.

20           Section 9. Subsections (4) and (5) of section 370.153,  
21 Florida Statutes, are amended to read:

22           370.153 Regulation of shrimp fishing; Clay, Duval,  
23 Nassau, Putnam, Flagler, and St. Johns Counties.--

24           (4) DEAD SHRIMP PRODUCTION.--Any person may operate as  
25 a commercial dead shrimp producer provided that:

26           (a) A dead shrimp production permit is procured from  
27 the Fish and Wildlife Conservation Commission upon the receipt  
28 by the commission of a properly filled out and approved  
29 application by a person intending to use a boat, not to exceed  
30 35 feet in length in Duval, St. Johns, Putnam, and Clay  
31 Counties, and not to exceed 45 feet in length in Nassau



1 County, for dead shrimp production within the inland waters of  
2 Nassau County and the inland waters of the St. Johns River of  
3 Duval, Putnam, St. Johns, Flagler, or Clay Counties, which  
4 permit shall cost \$250 and shall be required for each vessel  
5 used for dead shrimp production. The design of the application  
6 and permit shall be determined by the Fish and Wildlife  
7 Conservation Commission. The proceeds of the fees imposed by  
8 this paragraph shall be deposited into the account of the  
9 Marine Resources Conservation Trust Fund to be used by the  
10 commission for the purpose of enforcement of marine resource  
11 laws.

12 (b) All commercial trawling in the St. Johns River  
13 proper shall be restricted to the area north of the Acosta  
14 Bridge in Jacksonville and at least 100 yards from the nearest  
15 shoreline.

16 (c) All commercial shrimping activities shall be  
17 allowed during daylight hours from Tuesday through Friday each  
18 week.

19 (d) No person holding a dead shrimp production permit  
20 issued pursuant to this subsection shall simultaneously hold a  
21 permit for noncommercial trawling under the provisions of  
22 subsection (5). The number of permits issued by the  
23 commission for commercial trawling or dead shrimp production  
24 in any one year shall be limited to those active ~~the number~~  
25 ~~issued~~ in the base year, 1976, and renewed annually since  
26 1976. All permits for dead shrimp production issued pursuant  
27 to this section shall be inheritable or transferable to an  
28 immediate family member and annually renewable by the holder  
29 thereof. Such inheritance or transfer shall be valid upon  
30 being registered with the commission. Each permit ~~All permits~~

31

1 not renewed shall expire and shall not be renewed under any  
2 circumstances.

3 (e) It is illegal for any person to sell dead shrimp  
4 caught in the inland waters of Nassau, Duval, Clay, Putnam,  
5 and St. Johns Counties, unless the seller is in possession of  
6 a dead shrimp production license issued pursuant to this  
7 subsection.

8 (f) It is illegal for any person to purchase shrimp  
9 for consumption or bait from any seller (with respect to  
10 shrimp caught in the inland waters of Nassau, Duval, Clay,  
11 Putnam, and St. Johns Counties (St. Johns River)) who does not  
12 produce his or her dead shrimp production license prior to the  
13 sale of the shrimp.

14 (g) In addition to any other penalties provided for in  
15 this section, any person who violates the provisions of this  
16 subsection shall have his or her license revoked by the  
17 commission.

18 (h) The commission shall rename the Dead Shrimp  
19 Production License as the Commercial Food Shrimp Production  
20 License.

21 (5) NONCOMMERCIAL TRAWLING.--If noncommercial trawling  
22 is authorized by the Fish and Wildlife Conservation  
23 Commission, any person may trawl for harvest shrimp in the St.  
24 Johns River for his or her own use as food ~~and may trawl for~~  
25 ~~such shrimp~~ under the following conditions:

26 (a) Each person who desires to trawl for shrimp for  
27 use as food shall obtain a noncommercial trawling permit from  
28 the local office of the Fish and Wildlife Conservation  
29 Commission upon filling out an application on a form  
30 prescribed by the commission and upon paying a fee for the  
31 permit, which shall cost \$50.

1 (b) All trawling shall be restricted to the confines  
2 of the St. Johns River proper in the area north of the Acosta  
3 Bridge in Jacksonville and at least 100 yards from the nearest  
4 shoreline.

5 (c) No shrimp caught by a person licensed under the  
6 provisions of this subsection may be sold or offered for sale.

7 Section 10. Section 370.25, Florida Statutes, is  
8 amended to read:

9 370.25 Artificial fishing reef program; construction  
10 grants to local governments.--

11 (1) An artificial ~~fishing~~ reef program is created  
12 within the Fish and Wildlife Conservation Commission  
13 ~~Department of Environmental Protection~~ to enhance saltwater  
14 recreational fishing opportunities and to promote proper  
15 management of fisheries resources associated with artificial  
16 reefs for the public interest. Under the program, the  
17 commission may ~~department shall~~ provide grants, financial  
18 assistance, and technical assistance to coastal local  
19 governments and nonprofit corporations ~~organizations~~ qualified  
20 under s. 501(c)(3) of the Internal Revenue Code for the siting  
21 and development of saltwater artificial ~~fishing~~ reefs as well  
22 as monitoring and evaluating their recreational, economic, and  
23 biological effectiveness. The program may be funded from  
24 state, federal, and private contributions.

25 (2) The commission ~~department~~ may adopt by rule  
26 procedures for submitting an ~~a grant~~ application for financial  
27 assistance and criteria for allocating available funds. ~~Such~~  
28 ~~criteria shall include, but not be limited to, the following:~~

29 (a) ~~The number of artificial fishing reefs and extent~~  
30 ~~of the natural reef community currently located in the general~~  
31 ~~vicinity;~~

1           ~~(b) The documented demand and public support for the~~  
2 ~~proposed reef;~~

3           ~~(c) The number of public and private access points to~~  
4 ~~the proposed reef;~~

5           ~~(d) The commitment of the local government or~~  
6 ~~authorized nonprofit organization to provide funds or other~~  
7 ~~support for the development, monitoring, evaluation, and~~  
8 ~~management of the proposed reef;~~

9           ~~(e) The estimated cost for developing or monitoring~~  
10 ~~the proposed reef;~~

11           ~~(f) The stated objectives for developing or evaluating~~  
12 ~~the reef and a means to measure the level of attainment of~~  
13 ~~these objectives; and~~

14           ~~(g) The ability of applicants to conduct artificial~~  
15 ~~reef monitoring projects using established scientific protocol~~  
16 ~~either independently or in collaboration with marine research~~  
17 ~~entities.~~

18           (3) The commission may adopt by rule ~~department shall~~  
19 ~~establish~~ criteria for siting, constructing, managing, and  
20 evaluating the effectiveness of artificial reefs placed in  
21 state or adjacent federal waters, consistent with this  
22 section, including the specification of what materials are  
23 permissible to use in constructing fishing reefs. All  
24 artificial reefs constructed in state or adjacent federal  
25 waters must be highly stable and durable, and may be  
26 constructed only of concrete, natural rock, prefabricated  
27 modules made primarily of concrete or natural rock, or vessels  
28 made primarily of ferrous metals. No material shall be  
29 permitted to be used as an artificial reef under conditions  
30 where 50-year return interval ~~hurricane force~~ storm events in  
31 the geographic area of the state where the artificial reef is

1 to be constructed could ~~reasonably~~ be expected to cause the  
2 underwater lateral movement of the material off the permitted  
3 reef site, or cause substantial structural failure of the  
4 material. ~~No material shall be permitted to be used as an~~  
5 ~~artificial reef which has a demonstrated life expectancy in~~  
6 ~~sea water as a functioning reef community of less than 20~~  
7 ~~years, or which has not been found to be safe for marine life~~  
8 ~~and human health by the department.~~ Each artificial reef must  
9 be constructed in a manner that is consistent with the public  
10 interest, will not harm the marine environment, and will not  
11 adversely impact human health or safety or impede navigation  
12 or other traditional uses.

13 (4) The commission may adopt by rule ~~department shall~~  
14 ~~establish~~ criteria for determining the eligibility of  
15 nonprofit corporations ~~organizations~~ qualified under s.  
16 501(c)(3) of the Internal Revenue Code to apply for and  
17 receive available reef development or evaluation funds. The  
18 criteria must include, but are not limited to:

19 (a) The corporation ~~organization~~ must show proof that  
20 it is a nonprofit corporation ~~organization~~ qualified under s.  
21 501(c)(3) of the Internal Revenue Code ~~and currently operating~~  
22 ~~in full compliance with United States Internal Revenue Service~~  
23 ~~regulations defining and governing those organizations.~~

24 (b) The corporation ~~organization~~ must state in its  
25 articles of incorporation or bylaws that one of its objectives  
26 is have as one of its principal charges the development or  
27 monitoring of saltwater artificial reefs ~~and must agree to use~~  
28 ~~the best science-based management practices available.~~

29 ~~(c) The organization must be a not-for-profit~~  
30 ~~corporation and must have its principal place of business~~  
31 ~~within the state.~~

1           (5) The commission's ~~department's~~ artificial reef  
2 program shall track all artificial reef development activities  
3 statewide and maintain a computer database of this activity  
4 for the public interest and to facilitate long-range planning  
5 and coordination within the commission ~~department~~ and among  
6 local governments. Any entity that constructs an artificial  
7 reef in state or adjacent federal waters must submit  
8 documentation to the commission of the reef's materials, water  
9 depth, vertical relief, and location, within 30 days following  
10 construction. The location of the artificial reef must be  
11 documented with a differential global positioning receiver  
12 system.

13           (6) It is unlawful for any person to:

14           (a) Place artificial-reef-construction materials in  
15 state water outside zones permitted under the terms and  
16 conditions defined in any artificial reef ~~the applicable~~  
17 ~~environmental~~ permits issued by the ~~and under~~ United States  
18 Department of the Army, Army Corps of Engineers or by the  
19 Department of Environmental Protection ~~permits held by the~~  
20 ~~department or a local government.~~

21           (b) Store, possess, or transport on or across state  
22 waters any materials reasonably suited for artificial reef  
23 construction and stored in a manner providing ready access for  
24 use and placement as an artificial reef, unless a valid cargo  
25 manifest issued by the commission or a commission-certified  
26 inspector is onboard the transporting vessel. The manifest  
27 will serve as authorization to use a valid permitted site or  
28 land-based staging area, will validate that the type of  
29 artificial reef construction material being transported is  
30 permissible for use at the permitted site, and will describe  
31 and quantify the artificial reef material being transported.

1 The manifest will also include the latitude and longitude  
2 coordinates of the proposed deployment location, the valid  
3 permit number, and a copy of the permit conditions for the  
4 permitted site. The manifest must be available for inspection  
5 by any authorized law enforcement officer or commission  
6 employee ~~Place in state waters artificial-reef-construction~~  
7 ~~materials that have not been inspected and approved by the~~  
8 ~~department or a department-certified inspector.~~

9 (7)(a) An initial violation of subsection (6) is a  
10 misdemeanor of the first degree, punishable as provided in s.  
11 775.082 or s. 775.083. A subsequent violation of subsection  
12 (6) which is committed within 12 months after a previous  
13 violation of that subsection is a felony of the third degree,  
14 punishable as provided in s. 775.082, s. 775.083, or s.  
15 775.084.

16 (b) If a violation of subsection (6)~~paragraph (4)(a)~~  
17 ~~or paragraph (6)(a)~~ occurs, a law enforcement officer may  
18 terminate a vessel's voyage and order the vessel operator to  
19 return immediately to port. Failure or refusal to comply with  
20 an order to return to port constitutes a felony of the third  
21 degree, punishable as provided in s. 775.082, s. 775.083, or  
22 s. 775.084.The vessel operator must immediately dispose of  
23 the materials on shore according to applicable waste disposal  
24 laws.

25 (c) If, at the time of the violation, the vessel that  
26 is involved in the violation:

27 1. Is moored at a land-based facility, the registered  
28 owner of the vessel is responsible for the violation.

29 2. Is underway or anchored, the captain or operator of  
30 the vessel is ~~and the registered owner of the vessel are~~  
31 ~~jointly~~ responsible for the violation.

1           (d) In addition to the penalties imposed in this  
2 subsection, the commission ~~department~~ shall assess civil  
3 penalties of up to \$5,000 against any person convicted of  
4 violating subsection (6) and may seek the suspension or  
5 revocation of ~~suspend or revoke~~ the vessel registration, and  
6 ~~may revoke~~ existing reef-construction permits, or ~~and~~ other  
7 state marine licenses held by the violator. For the purposes  
8 of this section, conviction includes any judicial disposition  
9 other than acquittal or dismissal.

10           Section 11. (1) The sum of \$97,049 is appropriated  
11 from the commercial saltwater license fee revenues in the  
12 Marine Resources Conservation Trust Fund to the Fish and  
13 Wildlife Conservation Commission for fiscal year 2000-2001,  
14 for four career service positions that are authorized for the  
15 commission to implement the stone crab trap limitation  
16 program.

17           (2) The sum of \$254,408 is appropriated from the  
18 commercial saltwater license fee revenues in the Marine  
19 Resources Conservation Trust Fund to the Fish and Wildlife  
20 Conservation Commission for program operation, plus the sum of  
21 \$130,000 to cover the cost of stone crab trap tags in fiscal  
22 year 2000-2001, in order to implement the stone crab trap  
23 limitation program in fiscal year 2001-2002.

24           Section 12. This act shall take effect July 1, 2000.  
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 Senate Bill 240

4 A new provision provides an additional penalty of \$10 for each  
5 pound of illegal shrimp harvested for any two violations  
6 within a 12 month period which involve gear, minimum size, or  
7 season. Major violation penalties are also revised to permit  
8 suspension or revocation of any license for up to 30 calendar  
9 days for a first conviction and up to 90 days for a second  
10 conviction within 12 months of a prior violation.

11 A new major violation is provided for a violation involving  
12 the taking or harvesting of any marine life species, as those  
13 species are defined by rule of the Fish and Wildlife  
14 Conservation Commission (FWCC), the harvest of which is  
15 prohibited, or the taking or harvest of such a species out of  
16 season, or with an illegal gear or chemical, or any violation  
17 involving the possession of 25 or more individual specimens of  
18 marine life species, or any combination of violations in any  
19 3-year period involving more than 70 such specimens in the  
20 aggregate. The penalty is suspension or revocation of the  
21 license holder's marine life endorsement as provided in s.  
22 370.021(2)(i), F.S.

23 The committee substitute amends s. 370.06, F.S., to delete a  
24 provision requiring a holder of an Apalachicola Bay oyster  
25 harvesting license to receive credit for the license fee  
26 against the saltwater products license (SPL) license fee.  
27 Also, the FWCC is directed to deny the renewal or issuance of  
28 any SPL, wholesale dealer license or retail dealer license, to  
29 anyone who has unpaid fees, civil assessments or fines owed to  
30 the commission.

31 The committee substitute no longer creates a stone crab trap  
reduction program; however the committee substitute does  
contain the same fees to fund the trap reduction program as  
did SB 240, with one change that provides a \$1 fee for the  
transfer of a certificate to an eligible crew member. The  
committee substitute also continues to include the  
prohibitions and penalties relating to the trap reduction  
program, with the addition of a third degree felony penalty  
for theft from a trap (the same penalty is also applied to  
theft from a blue crab or lobster trap). Provisions providing  
for certificate technical advisory and appeals boards have  
also been deleted. The committee substitute now provides that  
a surcharge will not be charged for a certificate transfer  
within one's immediate family.

Another change clarifies that the stone crab trap limitation  
program does not create any vested rights for endorsement or  
certificate holders and may be altered or terminated by the  
commission as necessary to protect the stone crab resource,  
the participants in the fishery, or the public interest.

The committee substitute amends s. 370.142, F.S., to require  
that, if a rule establishing equitable rent for the crawfish  
fishery is developed, it must be approved by the Board of  
Trustees of the Internal Improvement Trust Fund. Also, a  
surcharge will not be assessed for a crawfish trap certificate

1 transfer within an individual's immediate family.

2 The committee substitute amends s. 370.15, F.S., to delete  
3 requirements for noncommercial net registration as well as a  
4 shrimp bag limit for noncommercial harvesting, and amends s.  
5 370.153, F.S., to limit the number of permits issued by the  
6 FWCC for commercial trawling or dead shrimp production in the  
7 St. Johns River in any one year to those active in the base  
8 year, 1976, and renewed annually since 1976 and to clarify  
9 that all permits for dead shrimp production issued pursuant to  
10 s. 370.153, F.S., are inheritable or transferable to an  
11 immediate family member and annually renewable by the holder.  
12 This section also clarifies that noncommercial trawling in the  
13 St. Johns River may only be authorized by rule of FWCC.

14 The committee substitute amends s. 370.25, F.S., to revise the  
15 artificial reef program. The amendments delete a reference to  
16 an artificial fishing reef program and redescribe the program  
17 as one to enhance saltwater recreational opportunities. The  
18 amendments clarify that the program is administered by the  
19 FWCC and that recipients of grants and financial and technical  
20 assistance will be nonprofit corporations, rather than  
21 organizations. In addition, criteria for such assistance are  
22 deleted, as the FWCC will establish criteria by rule. The  
23 section requires that all artificial reefs constructed in  
24 state or adjacent federal waters be highly stable and durable,  
25 and may be constructed only of concrete, natural rock,  
26 prefabricated modules made primarily of concrete or natural  
27 rock, or vessels made primarily of ferrous metals. No material  
28 shall be permitted to be used as an artificial reef under  
29 conditions where 50-year return interval storm events in the  
30 geographic area of the state where the artificial reef is to  
31 be constructed could be expected to cause the underwater  
lateral movement of the material off the permitted reef site,  
or cause substantial structural failure of the material. To  
receive assistance, a nonprofit corporation must state in its  
articles of incorporation or bylaws that one of its objectives  
is the development or monitoring of saltwater artificial  
reefs. This section requires that any entity constructing an  
artificial reef in state or adjacent federal waters must  
submit documentation to the FWCC of the reef's material, water  
depth, vertical relief, and location within 30 days following  
construction. The location of the artificial reef must be  
documented with a differential global positioning receiver  
system.

24 The amendments clarify the sources of necessary permits and  
25 provide that it is unlawful to store, possess, or transport on  
26 or across state waters any materials reasonably suited for  
27 artificial reef construction and stored in a manner providing  
28 ready access for use and placement as an artificial reef,  
29 unless a valid cargo manifest issued by the FWCC or a  
30 FWCC-certified inspector is onboard the transporting vessel.  
31 The manifest will serve as authorization to use a valid  
permitted site or land-based staging area, will validate that  
the type of a artificial reef construction material being  
transported is permissible for use at the permitted site, and  
will describe and quantify the artificial reef material being  
transported. The manifest will also include the latitude and  
longitude coordinates of the proposed deployment location, the  
valid permit number, and a copy of the permit conditions for  
the permitted site. The manifest must be available for

1 inspection by any authorized law enforcement officer or FWCC  
2 employee.

3 The committee substitute corrects a cross-reference and  
4 provides that failure or refusal to comply with an order to  
5 return to port when a violation has occurred constitutes a  
6 felony of the third degree, punishable as provided in s.  
7 775.082, F.S., s. 775.083, F.S., or s. 775.084, F.S.

8 Finally, the revisions provide that, if, at the time of the  
9 violation, the vessel that is involved in the violation is  
10 moored at a land-based facility, the registered owner of the  
11 vessel is responsible for the violation. However, if the  
12 vessel is underway or anchored, the captain or operator of the  
13 vessel is responsible for the violation.

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